

REMARKS

Reconsideration and allowance are respectfully requested in view of foregoing amendments and the following remarks.

Claims 1-2, 4-5, 7-8, 10-16, 18, 20-21, and 23-27 are pending in this application.

Claims 1, 11-16, 18, 20 and 22 have been amended.

Claims 23-27 have been added.

Claims 19 and 22 have been cancelled without prejudice.

Figure 5 has been amended.

Regarding the Drawing Objection

The attached sheet of drawings includes a change to Figure 5. The figure was objected to for not designating BRAKESMART as a trademark. Applicant appreciates the Examiner identifying this omission and has amended box 175 of Figure 5 to indicate that BRAKESMART is a registered mark.

Regarding the § 112 Rejection

Claims 14-16 and 18 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and to distinctly claim the subject matter which the Applicant regards as the invention because the claims lacked a clear antecedent basis. Applicant has amended claims 14-16 and 18, without narrowing the scope thereof by, to provide a clear antecedent basis where the examiner identified it as lacking. Applicant respectfully submits that claims 14-16 and 18, as amended, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully requests that this § 112, second paragraph, rejection be withdrawn.

Regarding the Typographical Inconsistencies

Applicant appreciates Examiner identifying the typographical inconsistencies in claims 11-13 and 20-21, and has amended those claims to correct the inconsistencies. Applicant respectfully submits that claims 11-13, and 20-21, as amended, are ready for allowance.

Regarding the § 102 Rejections

Claims 1, 2, 4-5, 7-8, 10-16, 19-20 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Frait (4398252). Applicant respectfully traverses these rejections by amending independent claims 1, 14, and 15. Independent claims 19 and 22 have been cancelled without prejudice. Claim 20, which used to depend on claim 19, has been amended to depend on amended claim 1. Claim 1 has been rewritten to include, among other novel elements, the requirement that the CPU be capable of detecting inadequate braking in the towed vehicle and to send a signal for a voltage boost without manual input from the driver. Frait discloses a manual gain controller, which allows the vehicle driver to compensate for different loads in the towed vehicle by *manually* adjusting the gain control. (Frait, column 3, lines 35-45). This adjustment of the gain control allows the voltage to the brakes to be boosted only manually. Frait does not teach, allude to, or anticipate, a CPU able to automatically detect inadequate braking, without manual input, and in response to send a voltage boost to the brake activator. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn and submits that dependent claims 2, 4-5, 7-8, 10-13, and 20 are ready for allowance over the cited art.

Independent claims 14 and 15 have been rewritten to include, among other novel elements, the requirement that the CPU detect inadequate braking in the towed vehicle and send

a signal for a voltage boost without manual input from the driver. As discussed previously, Frait discloses a manual gain controller, and does not teach, allude to, or anticipate, detecting inadequate braking without manual input and sending a voltage boost to the brake activator. Accordingly, Applicant respectfully requests that the rejection of claims 14 and 15 under 35 U.S.C. 102(b) be withdrawn and submits that dependent claim 16 is ready for allowance over the cited art.

Regarding the § 103 Rejections

Claims 18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frait (4398252) in view of Rossigno (3790807). Regarding claims 18 and 21, claim 18 depends upon claim 15 and claim 21 has been amended to depend upon amended claim 1. Applicant respectfully submits, for similar reasons to those set forth above with respect to the rejection of independent claims 1 and 15, that defendant claims 18 and 21 distinguish over Frait in view of Rossigno and are in condition for allowance. Rossigno does not add any additional motivation or suggestion beyond Frait to motivate one skilled in the art to have a CPU with the capability to automatically detect inadequate braking without manual input. Accordingly, Applicant respectfully requests that the rejection of claims 18 and 21 under 35 U.S.C. 103(a) be withdrawn.

Regarding the New Claims

New claims 23-27 have been added to the present application. New claims 23-27 claim novel aspects of the present invention that are worthy of patentability. Claims 23-26 are dependent upon claim 1, and for reasons discussed earlier, claim 1 is in condition for allowance. Claim 27 is dependent upon claim 14, and for reasons discussed earlier, claim 14 is in condition

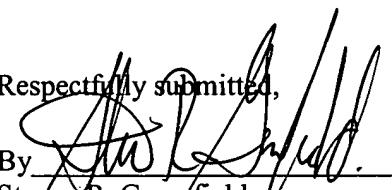
for allowance. As such, applicant respectfully submits that the new claims are also ready for allowance.

In view of the above, it is believed that this application is in condition for allowance, and such a Notice is respectfully requested. Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below to further prosecution of this application to allowance and issuance.

In view of the above, it is believed that this application is in condition for allowance, and such a Notice is respectfully requested.

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Respectfully submitted,

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APPENDIX

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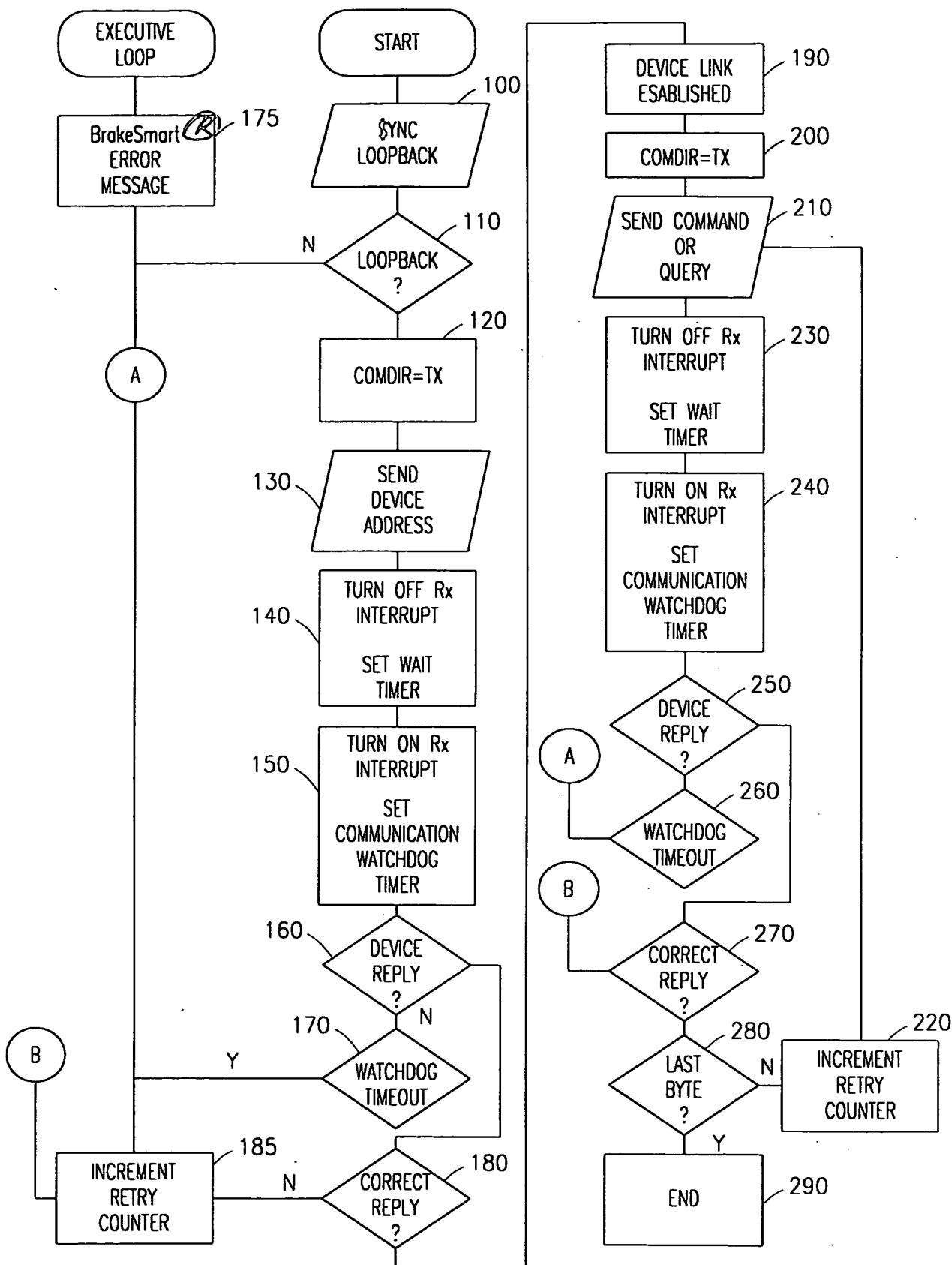


FIG. 5